

New Proposed Local Rule 2.3(d) ANNUAL CALENDAR

(d) Court is held at three locations in Trinity County; Weaverville, Hayfork and Mad River. The court calendar distributed on or about November 1 each year will designate where cases will be initially heard. All law enforcement agencies, attorneys, Probation, the Court and District Attorney's Office shall adhere to the directives contained therein. In addition to the citations issued by law enforcement; the Court, District Attorney and Probation shall cite and or send notices to defendants to appear in the appropriate Court location only as set forth in the annual calendar.

(Proposed, Eff. 7/1/10)

New Proposed Local Rule 3.9 FACSIMILIE FILING

This rule is adopted in accordance with provisions of California Rules of Court Rule 2.303.

(a) Definitions.

As used in this rule, unless the context requires otherwise:

- 1) "Facsimile transmission" means the transmission of a copy of a document by a system that encodes a document into electrical signals, transmits these electrical signals over a telephone line, and reconstructs the signals to print a duplicate of the original document at the receiving end.
- 2) "File" or "Filing" means the facsimile transmission of a document to a fax filing agency for filing with the court.
- 3) "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
- 4) "Fax Filing Agency" means an entity that receives documents by fax for processing and filing with the court.

(b) Rule Compliance.

A fax document shall comply with California Rules of Court, Rule 2.100, and all applicable local court rules.

(c) Fax Filing Agency.

A party may transmit a document by fax to a fax filing agency for filing with the court. The fax filing agency acts as the agent of the filing party and not as an agent of the court.

(d) Duties of a Fax Filing Agency.

A fax filing agency that receives documents for filing shall:

- 1) Prepare the document so that it complies with Title 2, Division 2, Chapter 1 of the California Rules of Court, Rule 201 and any other requirements for filing with the court;
- 2) Take the document to the court;
- 3) File the document with the court;
- 4) Pay any applicable filing fee.

(e) Requirement of Advance Arrangements.

A fax filing agency shall not be required to accept papers for filing unless appropriate arrangements for payment of filing fees and service charges have

been made by the transmitting party before the papers are transmitted to the fax filing agency.

(f) Confidentiality.

A fax filing agency shall keep all documents transmitted to it confidential, except as provided in this rule.

(g) Signatures.

A party who files a signed document by fax represents that the original physically signed document is in his or her possession or control.

1) Notwithstanding any provision of law to the contrary, including Evidence Code Sections 255 and 260, a signature produced by facsimile transmission is an original.

2) Within 15 days after service of a signed facsimile filing, any other party may serve a demand for production of the original physically signed document. The demand shall be served on all of the parties, but shall not be filed with the court. Failure to serve a demand is a waiver of the right to demand production of the physically signed original.

3) If a demand for production of the original physically signed document is made, the party shall arrange a meeting at which the original physically signed document can be examined.

(h) Notation of Facsimile Filing.

Each facsimile filing shall include the words "by fax" on the first page, immediately below the title of the document.

(i) Duplicate Copies.

No duplicate hard copies of documents faxed shall be filed with the Court.

(Proposed, Eff. 7/1/10)

New Proposed Local Rule 3.10 PAYMENT OR WAIVER OF FEES

(a) The Clerk is authorized to grant applications for fee waivers that meet the standards of eligibility established by subdivision (a) (6) (A) or (a) (6) (B) of Government Code §68511.3. Pursuant to California Rules of Court, Rule 3.50, both the clerk and marshal are hereby designated to make the financial inquiries and verification contemplated thereby. The court confers on the clerk authority to investigate and verify the financial condition of litigants to whom fee waivers have previously been granted, in accordance with the provisions of Government Code §68511.3 and California Rules of Court, Rule 3.50. In discharging this responsibility, the clerk is authorized to require each such litigant to file, annually, a new fee waiver application. The failure on the part of a litigant to do so shall be deemed an acknowledgment that the litigant's financial condition has changed such that the litigant no longer qualifies for a fee waiver.

(b) In all civil cases in which a prevailing party has been granted a waiver of fees and is awarded costs, the court shall order that the party bearing costs pay to the court the aggregate of any fees that were waived.

(Proposed, Eff. 7/1/10)